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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 DONALD HOWARD PARKER,
15 Defendant.

Case No.: 2:14-cr-175-JAD-CWH

STIPULATION TO MODIFY
CONDITIONS OF PRETRIAL RELEASE
(Second Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
18 States Attorney, and Allison Herr, Assistant United States Attorney, counsel for the United States
19 of America, and Rene L. Valladares, Federal Public Defender, and HEIDI A. OJEDA, Assistant
20 Federal Public Defender, counsel for DONALD HOWARD PARKER, that the condition of pretrial
21 release, which requires that Mr. Parker shall refrain from any use of alcohol, be modified.

22 IT IS FURTHER STIPULATED AND AGREED that on July 1, 2014 Mr. Parker was
23 granted pretrial release with conditions, including that he be placed at the halfway house and refrain
24 from any use of alcohol,

25 IT IS FURTHER STIPULATED AND AGREED that on January 5, 2015, the Court granted
26 Mr. Parker's request to modify his conditions of pretrial release to allow him to reside outside the
27 halfway house, at a residence pre-approved by pretrial services,

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1 IT IS FURTHER STIPULATED AND AGREED that in light of Mr. Parker now residing
2 outside this halfway house, the Defendant's Pretrial Services supervising officer Jaime Stroup, does
3 not believe that the condition that Mr. Parker refrain from any use of alcohol is necessary. Further,
4 the condition that Mr. Parker refrain from any alcohol use is overly burdensome on Pretrial Service
5 as ensuring compliance with this condition would require Pretrial Services to place Mr. Parker on
6 a sobriety or require him to undergo daily testing for the presence of alcohol. Therefore, the
7 Government, Pretrial Services, and Defendant, Donald Parker agree that the modification of the
8 condition that he shall refrain from any alcohol use is not necessary

9 IT IS FURTHER STIPULATED AND AGREED, that the condition that Mr. Parker refrain
10 from *any* use of alcohol be modified to a condition that "the defendant shall refrain from the
11 excessive use of alcohol. The parties believe that the modification of this alcohol condition will still
12 allow Pretrial Services to supervise Mr. Parker in a less burdensome manner.

13 IT IS FURTHER STIPULATED AND AGREED, that all other conditions of pretrial release
14 as set forth in Docket Item Number 19, PR Bond will remain in full force and effect, including but
15 not limited to home detention submit to GPS monitoring, restrictions on access to the internet,
16 computers and related devices, and restrictions on contact with any minor children.

17 DATED this 9th day of February, 2015.

18 RENE L. VALLADARES
19 Federal Public Defender

DANIEL G. BOGDEN
United States Attorney

20 By: /s/ Heidi A. Ojeda
21 HEIDI A. OJEDA,
22 Assistant Federal Public Defender
23 Counsel for Defendant
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By: /s/ Allison Herr
ALLISON HERR,
Special Assistant United States Attorney
Counsel for the Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD HOWARD PARKER,

Defendant.

Case No.: 2:14-cr-175-JAD-CWH

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Mr. Parker's conditions currently include that he shall refrain from any use of alcohol.

2. The Government, Pretrial Services, and Defendant, Parker agree that a modification of his alcohol condition is appropriate. The parties request that Mr. Parker's alcohol condition read, "the defendant shall refrain from the excessive use of alcohol."

CONCLUSIONS OF LAW

The Bail Reform Act requires that a defendant be released on the least restrictive combination of conditions which will reasonably assure the safety of the community and the defendant's appearance at trial. As Mr. Parker has been in compliance thus far, the alcohol abstinence condition is no longer necessary to assure the community's safety or Mr. Parker's appearance. The alcohol condition should be modified to require that Mr. Parker refrain from the excessive use of alcohol. This modification, combined with the previously ordered conditions, is the least restrictive combination of conditions which will serve the purposes of the Bail Reform Act.

ORDER

IT IS THEREFORE ORDERED, the condition which requires Mr. Parker to refrain from any use of alcohol is modified, to require instead, that Mr. Parker shall refrain from the excessive use of alcohol.

IT IS FURTHER ORDERED, that all other conditions of pretrial release as set forth in Docket Item Number 19, PR Bond will remain in full force and effect, including but not limited to home detention submit to GPS monitoring, restrictions on access to the internet, computers and related devices, and restrictions on contact with any minor children.

DATED 11th day of February, 2015.


UNITED STATES MAGISTRATE JUDGE